

**TOWN COUNCIL
REGULAR MEETING
JULY 3, 1996
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:04 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

An unidentified man (Jay Stahl) discussed the Snyder decision and its effect on the general public. He questioned his inability to speak as a Planning and Zoning Board member under the public hearing portion of Council meetings and asked that the State of Florida be contacted for a definitive ruling.

Wayne Arnold extended an invitation to the Town's July 4th activities and indicated that the Child Safety Board would be providing an exhibit. He added that fingerprints would be taken and Child Safety Packets would be distributed between 12 noon and 3:00 p.m.

Arthur Joseph, 13700 SW 18 Court, stated that an inspector general was needed on a county and city level. He said that the billboards, recycling and EMS were like "cat's litter box mentality".

Jean Messler, 13300 SW 29 Street, discussed the Teen Challenge issue and asked that the Town's homework be done before the occupational license was issued. Mr. Webber advised that Ms. Messler had filed a request for administrative appeal and explained the procedure. He stated that he expected to have a detailed response the following week which would be submitted to Mr. Flatley.

Al Tyler, 8090 SW 19 Court, discussed the billboard issue. He stated that the Police Union's contract was eight months past "its due date" and he hoped the same thing did not happen with the Firefighter's Union.

Judy Paul, 14421 SW 24 Street, asked if the ordinance identified the billboard company. Mr. Webber replied negatively, however, a resolution for site locations was being reviewed by Council. She said that she was concerned that the method in raising funds was questionable.

Ms. Paul stated her concerns with the way Council treated Mr. Rubin at a previous meeting concerning his land use plan amendment. She suggested that a Councilmember be utilized as a mediator between a petitioner and the residents.

Ms. Paul stated that she was excited about the Town's newsletter, Davie Update, and the article on the proposed police facility. She indicated the need for the residents to rally the community to vote in favor of the proposed facility.

Kathleen Keifer, 13931 SW 24 Street, discussed the number of dogs that were allowed on a piece of property. Mr. Flatley indicated that staff had drafted a change to the Code to limit the number of adult dogs to three, with litters under one year. Ms. Keifer questioned the enforcement of this change. Michele Mellgren, Director of Development Services, explained the Code section regarding nuisance.

Dee Gonzalez, 13326 SW 28 Street, discussed Teen Challenge.

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Debbie Apolinario, 2940 SW 148 Avenue, asked that the proposed ordinance regarding the number of dogs be per acre and not per household. She discussed Public Works bushhogging an area in the west and the trees and bushes were "chopped to death". Ms. Apolinario added that the bird nests were knocked out of the trees and the remaining debris was not removed.

4. PRESENTATIONS

4.1 Jose Rivero - EMS Operational Coordinator
Fire Chief Michael Donati introduced Mr. Rivero.

4.2 Davie/Cooper City Chamber of Commerce
No presentation was given.

Police Chief Jack Mackie advised that the Town had received a \$250,000 grant for Domestic Violence and indicated that the Town had received 25% more than any agency in the State. He contributed this to the grant writing of Captain John George and Research and Development Coordinator Marsa Detscher and the involvement of Nova Southeastern University.

Police Athletic League Director Renae Griggs advised that the City of Pembroke Pines had challenged the Town as to who could sell the most Florida Marlins baseball tickets for a game to be held on August 24th. She stated that a portion of the proceeds went to the Town's Police Athletic League and for every five tickets sold, one child got to go free.

Lil Olfern, President of the Fraternal Order of Police Association, advised that the Davie Lodge had won Lodge of the Year in the State of Florida. She added that a pancake breakfast was being held on September 8th to raise funds.

5. OCCUPATIONAL LICENSES

Home Occupational Licenses

5.1 Paul's Custom Car Care, 7430 SW 39 Street

Paul Lucas, representing the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6. COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

AMANDA. Councilmember Bush stated that daughter, Amanda, had been named to the President's List at Broward Community College and was honored at a special ceremony on June 19th.

MEDICAL COMPLEX DEDICATION. Councilmember Bush advised that Council attended the dedication of Nova Southeastern University's medical complex this past weekend.

ST. DAVID CATHOLIC CHURCH. Councilmember Bush stated that he attended a Marlins/Braves baseball game on June 28th and a check for over \$1,100 was presented to the St. David Catholic School Girl Scouts because of the fundraiser.

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TOWN PICNIC. Councilmember Bush stated that Council attended the Town's picnic at C.B. Smith park and next year, he hoped the event would be held at the Pine Island Community Center.

HABITAT FOR HUMANITY. Councilmember Bush stated that he was unable to attend the recent dedication of six homes for Habitat for Humanity because of his 34th wedding anniversary.

MCFATTER VOCATIONAL TECHNICAL SCHOOL. Councilmember Bush stated that he attended the School's opening of its Computer Technology and Culinary Arts Center on June 28th.

OLYMPIC TOUR. Councilmember Bush stated that Council toured the Olympic Village on July 1st.

JULY FOURTH ACTIVITIES. Councilmember Bush stated that he hoped to see the residents at the Pine Island Community Center for the Town's July 4th events.

EASTSIDE COMMUNITY HALL. Councilmember Bush stated that a groundbreaking ceremony would be held on July 6th for the Eastside Community Hall in Potter Park.

VICE-MAYOR COX

TOWN ITEMS. Vice-Mayor Cox stated that it was important that the residents know that a lot of issues were worked on "behind the scene" and these issues were not nefarious or negative. She said that bringing certain events into the Town (i.e. the Olympic Village), took a lot of work and had been several years in the making.

Vice-Mayor Cox stated that in the past few weeks, the Town had received approximately \$1.8 million in grants and various sundry types. She advised that the Town was in line to receive \$34,000 from the Children Services Board to augment the summer grant programs. Vice-Mayor Cox thanked the staff members for their work in obtaining these monies.

POTTER PARK. Vice-Mayor Cox stated that the groundbreaking in Potter Park was real important and she thought this neighborhood was on the way to a vast improvement.

HABITAT FOR HUMANITY. Vice-Mayor Cox stated that all ten homes being built in the Lynmar/Driftwood Estates area had received funding and would be completed. She thanked the banks involved in this project.

DRIFTWOOD ESTATES PARK. Vice-Mayor Cox stated that the rededication of this park would be held on July 13th.

POSITIVE COMMUNITY INVOLVEMENT. Vice-Mayor Cox stated that it was nice that the Town had some residents that worked positively for the community and identified the Fraternal Order of Police Association and the Police Athletic League.

COUNCILMEMBER SANTINI

UNIVERSITY/COLLEGES. Councilmember Santini stated that the dedication of Nova Southeastern University's medical complex was very exciting; however, some of the colleges still identified themselves as being in Ft. Lauderdale. She asked staff to approach this issue with the Board's of Trustees.

ANDRX CORPORATION. Councilmember Santini welcomed Andrx Corporation into the Town.

OLYMPIC VILLAGE. Councilmember Santini stated that a tour was provided of the Olympic Village and the Town was playing an incredible part in the security.

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BOARD MEMBERSHIP. Councilmember Santini suggested that Council look at an ordinance allowing a person to sit on only one board and added that she would like to see certain qualifications.

TRANSITIONAL SCHOOLS. Councilmember Santini mentioned that item 7.10 dealt with transitional schools which were alternative schools for children who caused problems.

BILLBOARDS. Councilmember Santini stated that she had received a letter from the Boys and Girls Club commending the Town regarding its decision on billboards.

TEEN CHALLENGE. Councilmember Santini stated that she had received letters in favor of and in opposition to Teen Challenge.

POLICE UNION CONTRACT. Councilmember Santini stated that the contract was for a three year period instead of a one year period.

PROPOSED POLICE FACILITY. Councilmember Santini suggested that anyone who questioned the proposed police facility should take a tour of the current facility.

JULY FOURTH ACTIVITIES. Councilmember Santini advised that the July 4th activities would include Mayor Venis' and Councilmember Bush's birthday. She discussed the activities that were being held and indicated that the fireworks had been donated.

COUNCILMEMBER KIAR

POLICE ATHLETIC LEAGUE. Councilmember Kiar asked everyone to buy tickets for the Florida Marlins baseball game to benefit the League.

JULY FOURTH ACTIVITIES. Councilmember Kiar indicated that he would see everyone at the activities and wished all a happy July 4th.

MAYOR VENIS

JULY FOURTH ACTIVITIES. Mayor Venis indicated that he would see everyone at the activities and wished all a happy July 4th.

BLASTING AGREEMENT. Mayor Venis asked for an update on the interlocal agreement with Pembroke Pines regarding the blasting. Mr. Webber replied that he had not heard anything. Mayor Venis asked for a report at the next Council meeting.

MEDICAL COMPLEX DEDICATION. Mayor Venis stated that he also attended the dedication and this was the largest project being developed in Broward County.

OLYMPIC VILLAGE. Mayor Venis stated that Council toured the Village and suggested that the athletes be invited to attend the next Council meeting and possible rodeo.

SUNNYLANE FARMS. Mayor Venis stated that he attended a meeting regarding the special assessment and indicated that a method was arrived at to save each resident approximately \$1,000. He explained that funds would be available from the 1995-96 Capital Projects budget could be carried over and used for road improvements in the 1996-97 fiscal year. Mayor Venis added that the City of Sunrise would also not be assessing its \$500 fee.

SHENANDOAH PARK. Mayor Venis stated that last July, it was indicated that a \$100,000 grant would be applied for to make improvements to expand Shenandoah Park. He advised that this grant had been approved and the improvements would begin in approximately four to six months.

BOYSCOUTS. Mayor Venis stated that the Town and the Boy Scouts would be adopting Boy Scout Road.

HAPPY BIRTHDAY. Mayor Venis wished Jack Hardy a happy birthday.

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7. CONSENT AGENDA

Minutes

7.1 June 5, 1996 - Regular Meeting

7.2 June 7, 1996 - Workshop Meeting

Resolutions

- R-96-199 7.3 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING AN EXTENSION FOR PAYMENT OF THE MITIGATED CODE ENFORCEMENT FINE IN CASE NO. 95-56 FROM \$13,300 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Syed Ali)
- R-96-200 7.4 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 95-424 FROM \$10,750 IN AMOUNT TO \$700; AND PROVIDING AN EFFECTIVE DATE. (Blair Bickler d/b/a Blimpie Subs and Salad)
- R-96-201 7.5 **ARBORIST SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR ARBORIST SERVICES. (Tree Trimmers & Associates Inc.)
- R-96-202 7.6 **REVISING JOB SPECIFICATIONS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE POLICE SERGEANT AND LIEUTENANT JOB SPECIFICATIONS IN THE FRATERNAL ORDER OF POLICE CLASSIFICATION PLAN.
- R-96-203 7.7 **UNION CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT AND A LETTER OF UNDERSTANDING BETWEEN THE TOWN OF DAVIE AND THE FRATERNAL ORDER OF POLICE.
- R-96-204 7.8 **WAIVING FORMAL BIDDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE THE PURCHASE OF A USED BUCKET TRUCK. (not to exceed \$40,000)
- R-96-205 7.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR LABORATORY TESTING OF DRINKING/WASTE WATER AND CHEMICAL REAGENTS. (Harbor Branch Oceanographic Laboratory and Environmental Reagents. Inc.)

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**R-96-206 7.10 ALTERNATIVE TRANSITION PROGRAM - A RESOLUTION OF
THE
TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE
TO CO-SPONSOR AN ALTERNATIVE TO SUSPENSION ENTITLED
JAGUAR EDUCATIONAL TRANSITION (JET) PROGRAM FOR THE
PERIOD OF SEPTEMBER 2, 1996 TO JUNE 30, 1997**

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R-96-207 7.11 **REVISED SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO PREVIOUSLY APPROVED SUBDIVISION PLAT AND PROVIDING AN EFFECTIVE DATE. (P 9-2-95, 450 SW 130 Avenue)

R-96-208 7.12 **DAVIE WATER ADVISORY BOARD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TERM OF THE DAVIE WATER ADVISORY BOARD UNTIL DECEMBER 31, 1996 TO ALLOW FOR SUBMITTAL OF A FINAL REPORT TO THE TOWN COUNCIL; AND PROVIDING FOR THE SUNSETTING OF THE BOARD.

R-96-209 7.13 **WORK RELEASE FACILITY** - A RESOLUTION BY THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE MARINA MILE ASSOCIATION'S WORK TO MAINTAIN THE CITY OF DANIA'S EFFORTS TO UPHOLD AND ENFORCE THE ZONING ORDINANCES AND COMPREHENSIVE PLAN AS THEY RELATE TO THE PROPOSED LOCATIONS OF A WORK RELEASE FACILITY AND HOMELESS SITE IN THE MARINA MILE AREA.

Ordinances - First Reading (Public Hearing to be held on July 17, 1996)

7.14 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CR TO A-1; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 5-1-96, 11701 Orange Drive)

7.15 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 95-23 BY CHANGING SECTIONS 1(b) AND 1(c) TO PROVIDE FOR A REVISION TO THE APPROVED MASTER LAND USE PLAN ASSOCIATED WITH THE REZONING APPROVAL; AND PROVIDING AN EFFECTIVE DATE. (ZB 5-2-96, 4190 South University Drive)

Mayor Venis asked that items 7.7 and 7.12 be removed from the Consent Agenda. An unidentified man (Al Tyler) asked that item 7.8 be removed.

Town Clerk Reinfeld read the ordinances - first reading by title only. Mayor Venis advised that a public hearing on items 7.14 and 7.15 would be held on July 17th.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve the Consent Agenda without items 7.7, 7.8 and 7.12. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.7 Mayor Venis commended all the individuals involved with negotiating this contract and he felt that the negotiations were handled in a professional manner.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini -

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yes. (Motion carried 5-0)

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7.8 Al Tyler thought the Town had competitive bidding. Budget and Finance Director Christopher Wallace indicated that formal bidding was only waived when needed. He explained that used equipment could not be "specked" out and explained the process. Mr. Wallace advised that a new piece of equipment would cost approximately \$120,000.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.12 Mayor Venis stated that he did not feel this Board should be sunsetted and should be continued on a perpetual basis. Councilmember Santini agreed. Mr. Webber suggested that Council adopt the resolution and then a new resolution prepared.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8. SITE PLANS

8.1 SP 4-6-96, The Enclave a/k/a Stirling Dykes Plat, southeast corner of Stirling Road and Dykes Road (R-3) (tabled from June 19, 1996)
Planning and Zoning Division approved subject to the planning report;
Site Plan Committee approved subject to the planning report

Ms. Mellgren read the planning report.

Gus Aguirre, representing the petitioner, was present and explained the request.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

9. PUBLIC HEARINGS

Ordinances - Second and Final Reading

9.1 **CHARTER CHANGES** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING A NEW CHARTER; PROVIDING FOR PORTIONS OF THE EXISTING CHARTER TO BE CONVERTED TO ORDINANCES; PROVIDING FOR CREATION AND POWERS; PROVIDING FOR CORPORATE LIMITS; PROVIDING FOR POWER AND JURISDICTION; PROVIDING FOR LEGISLATIVE POWERS OF TOWN; PROVIDING FOR FORM OF GOVERNMENT; PROVIDING FOR ADMINISTRATIVE DEPARTMENT; PROVIDING FOR THE COUNCIL, MAYOR AND LEGISLATION; PROVIDING FOR FINANCE; PROVIDING FOR ELECTIONS; AND PROVIDING FOR TRANSITION SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Al Tyler, 8090 SW 19 Court, stated that an advisory board had been created several years ago to review the Charter. He thought more discussion should be held on this

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item before it was approved.

Mr. Webber explained that this ordinance changed the Charter by making it a more simplified document. He indicated that the ordinance incorporated only those matters that were required by law to be included in the Charter. Mr. Webber added that the remaining portions of the existing Charter would be converted to ordinance form and then reviewed for retention or elimination.

Mr. Tyler hoped that the public would have input on the Charter ordinances.

Arthur Joseph questioned how the Town "stacked up" to other cities Charters. Mr. Webber advised that he had spoken to Municipal Code Corporation which advised that these types of changes were a prevalent trend throughout the State. He added that many of the proposed changes were based on Municipal Code's recommendation. Mr. Joseph thought that Charter changes should not be completed easily and "at the whim" of Council. He thought the Charter should be reviewed by a committee and the committee should have more leeway as to what was presented to the public. Mr. Joseph indicated that he was not in favor of this ordinance.

Mayor Venis closed the public hearing portion of the meeting.

Councilmember Bush stated that he understood that Florida Statutes provided for the removal of Council or a vacant Council seat and he felt that the Section 7(c) was more restrictive than the Statutes. He said that should an official elect to run for another office, the Statutes allowed for an official to serve the remaining portion of the term until the election. Councilmember Bush indicated that because the Town was electing its Mayor beginning in 1997, should any present Councilmember wish to run, they would have to resign. Mr. Webber explained Florida's Resign to Run law and added that the Town's Charter was more restrictive.

Vice-Mayor Cox indicated that one advantage to the Resign to Run law was that a person serving in an office would be elected by the residents as opposed to Council appointing someone to a vacancy. Mr. Webber agreed. Vice-Mayor Cox stated that there were a number of Charter provisions that were in conflict with the Statutes. Mr. Webber explained that the Charter was superseded when the legislature passed laws that were in conflict with the Charter; however, the Charter could be more restrictive.

Councilmember Santini suggested that Section 7(c)(8) indicate Council/Mayor instead of Council. Councilmember Kiar stated that any changes should be uniform and added that continuity should be maintained. Discussion followed on Council appointing an individual to a vacant seat. Mr. Webber thought that Section 7(c)(8) was unusual and indicated that he thought most cities relied on the Resign to Run law. It was the consensus to remove this issue from the Charter and follow the Florida Statutes.

Vice-Mayor Cox questioned what population numbers were used to determine the Council districts and how the districts were made fair, equitable and consistent. Mr. Webber replied that an ordinance could be adopted to interpret the method as to what Council considered a reasonable way of determining the different issues. He added that the problem was that if Council's action was challenged, the issue would return to the language in the Charter. Councilmember Kiar stated that he trusted the Census which was compiled every ten years which he felt should be accepted when the Census was conducted. Councilmember Santini suggested that an average be used of the Town's figures, a college's figures and the Census with a definite time period, i.e. June of every year. Vice-Mayor Cox agreed. Mr. Webber suggested that a survey be conducted on other city's redistricting efforts.

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Mr. Webber indicated that if changes were to be made, the ordinance would need to be tabled.

Councilmember Santini stated that Section 7(a) and Section 5 showed inconsistencies in the terminology of Council. She suggested that the Charter be consistent.

Mayor Venis clarified that Section 7(a) would be corrected and Section 8 would be omitted. Mr. Webber clarified that the redistricting issue would be researched and would be returned to Council for consideration.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to table item 9.1 to July 17, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**9.2 ITEM TO BE TABLED TO JULY 17, 1996 AS PLANNING
AND ZONING BOARD DID NOT MEET DUE TO NO QUORUM**

VARIANCE - V 4-2-96, New Town Commerce Center, Ltd., 3801 - 4131
SW 47 Avenue (M-3) (tabled from June 19, 1996)

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to table item 9.2 to July 17, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10. APPOINTMENTS

10.1 Child Safety Board (2 exclusive appointments per Councilmember)

Councilmember Bush deferred his appointments to the next meeting. Vice-Mayor Cox appointed Kathleen Bleier and Doreen Hixon. Mayor Venis appointed Mary Haas and Gary Gargiolo. Councilmember Kiar appointed Wayne Arnold and Ed Weisl. Councilmember Santini appointed Ron Adderly and Michael Budwig.

10.2 Open Space Advisory Committee (2 exclusive appointments per Councilmember)

Councilmember Bush appointed Larry Lane and deferred his second appointment to the next meeting. Vice-Mayor Cox appointed Sandy Switzer and Sue Harry. Mayor Venis appointed Wayne Arnold and George Greb. Councilmember Kiar appointed Steve Cortese and Toni Webb. Councilmember Santini appointed Judy Paul and Sharon Zane.

11. DISCUSSION AND POSSIBLE ACTION

11.1 Water Deposit Rebate for Common Areas for Condominiums and Associations

Mr. Wallace indicated that Council had requested staff to look into refunding water deposits to condominiums associations' with common areas or club houses and not requiring deposits on these areas in the future. He stated that in evaluating the risks, staff did not feel this request would be a burden and the risk of ultimate loss would be small. Mr. Wallace recommended that refunds be provided and not require deposits in the future. He explained that the refund would be applied to a current bill and a notice explaining the refund would be mailed. Council had no objections.

Councilmember Santini thanked the individuals that she did not reappoint to a

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board for their and asked staff to prepare certificates to those who were not reappointed.

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11.2 Consideration for Planning and Zoning Board and Town Council to Waive the One Year Requirement of Code Section 12-309(C)(5) Provision to Hear Individual Variance Requests Within One Year (previous blanket request by Weitzer at Harmony Lakes, Inc.)

Ms. Mellgren explained the request for consideration and indicated that Council's approval of the waiver would enable individual homeowners to be heard before the Planning and Zoning Board and then Council.

Councilmember Kiar so moved which was seconded by Vice-Mayor Cox. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

11.3 Use of School Board Facilities for the Town's Summer Programs

Ms. Pierce-Kent advised that she had met with a School Board official to discuss the leases and if the Town was the only city paying for services. She indicated that each principal had the authority to negotiate leases and there were varying costs for services. Ms. Pierce-Kent stated that because the Town's programs did not have the expected registration, she had renegotiated the current leases and indicated that one suggestion was for the Town to provide its own custodian. She added that she was looking into the School Board's use of facilities at no cost. Ms. Pierce-Kent confirmed that the Town was not paying excess fees.

11.4 Policy Direction on Emergency Medical Service's Special Assessment Issues

Mr. Wallace indicated that the Town was contemplating a non-ad valorem special assessment to fund EMS and Fire Rescue. He stated that Council had previously indicated that it wanted consideration given to individuals who were on "the lower end" and indicated that Florida Statutes provided relief for individuals who were at "the lower end".

Mr. Wallace stated that staff recommended the range be 12.5% to 30% of the full assessment value. Mayor Venis indicated that he would like to see a percentage that would approximate a special assessment in the mid \$20 range for single family. Discussion followed on different methods of charging an assessment.

Councilmember Kiar stated that discussion had been held about a special assessment for EMS and Fire Rescue. He indicated that he wanted Fire Rescue to be funded as it currently was. Mayor Venis advised that EMS and Fire Rescue had to be combined and added that if the fee was in the mid \$20 range, the Town would be able to equip its engines to be ALS engines. Mr. Wallace indicated that the mid \$20 range did not leave much of a leadway and recommended that the charge be closer to 15%. Discussion followed. Councilmember Santini confirmed that the assessment would include colleges, churches, and non-profit organizations. She indicated that other options of assessments should be researched. Vice-Mayor Cox advised that there was not enough time for this type of research and indicated that a balance needed to be struck. Mayor Venis and Councilmember Kiar wanted to be conservative for the first year. Mr. Wallace advised that this process would be followed each year. It was the consensus of Council to assess 12.5%.

11.5 Donation of Leave Policy

Mr. Flatlev asked that a report be provided at the next meeting.

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Mayor Venis advised that a resolution needed to be added to the agenda as item 11.6. Councilmember Kiar made a motion, seconded by Councilmember Bush, to add. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

11.6 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING TH
R-96-210 FILING OF LITIGATION TO ENFORCE ORDERS IMPOSING
MUNICIPAL CODE ENFORCEMENTS LIENS AND ADMINISTRATIVE
FINES; AND PROVIDING AN EFFECTIVE DATE. (Joseph Orandello)

Mr. Flatley indicated that there had been an on-going problem with Broadway Joe's who had been fined for being in non-compliance. Mr. Webber explained the procedure for obtaining a judgment and collecting the fine. Mayor Venis explained the problems that had been occurring.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mr. Flatley advised that staff needed Council's approval to move forward with the ordinance limiting the number of dogs on a piece of property. Ms. Mellgren indicated that the ordinance limited the number of dogs to three; however, the ordinance did not grandfather in any already existing conditions. Mayor Venis suggested that a time limit be provided for individuals to come into compliance. Ms. Mellgren advised that the Town had an enforcement mechanism through the nuisance section of the Town's Code. Mr. Webber explained the method of Code enforcement; however, he could see difficulties with this type of ordinance as far as enforcement and provided an explanation.

Ms. Keifer discussed the problem in her area.

Mayor Venis indicated that Ms. Mellgren and Mr. Webber had been instructed to create an ordinance for first reading on July 17th.

Ms. Paul did not agree with having to get rid of one of her dogs because a limit would be placed on the number of dogs an individual was allowed to have. She indicated that she had a problem with runs and kennels, but she did want not the number of dogs restricted if they were pets.

Council discussed Councilmember Santini's recommendation in allowing an individual to serve on only one board and requiring qualifications to be appointed. Mayor Venis indicated that he was not in favor of this recommendation. Councilmember Kiar added that it was Council's choice as to who sat on a board.

Mr. Tyler indicated that if someone was doing a good job, he was opposed to limiting terms.

Vice-Mayor Cox stated that it was a good idea to groom new people to sit on boards; however, to codify the recommendation was restrictive. She thought it was Council's responsibility to make sure there was a good mix and continuity.

Councilmember Santini indicated that she would meet with staff to prepare a document concerning appointing new people and looking at some type of limitations. She advised that she would provide the document to Council.

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Mr. Stahl stated that the qualification for a board member should only be that an individual be a resident.

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Councilmember Kiar did not know why this issue needed to be returned to Council because the current policy worked. Vice-Mayor Cox stated that it was okay with her if Councilmember Santini wanted to research the matter but that she could not guarantee her vote.

12. TOWN ADMINISTRATOR'S REPORT

12.1 Progress Report on Conversion of the Davie Treatment Facility to Aquaculture Facility

Ms. Detscher explained that the Town had the opportunity, along with Nova Southeastern University, to convert a dormant wastewater treatment plant to an aquacultural facility. She indicated that a feasibility study had been conducted and everyone was enthusiastic with the results. Ms. Detscher stated that staff was currently reviewing an agreement with the University and indicated that she was working with the University's staff to determine if there were grant opportunities for plant expansion.

12.2 Fire Pension Board Financial Report

Mr. Wallace advised that last year, the pension plan was underfunded because the Fire Pension Board failed to file a timely report to the Town. He stated that when the file was reviewed, there was an issue regarding a cost of living allowance (COLA) adjustment and he explained the sharing arrangement. Mr. Wallace indicated that there was a dispute in the interpretation of the COLA language and the Board believed that it only shared in profits and not losses on an actuarial basis.

Mr. Wallace stated that there was an underfunding amount and the State of Florida was withholding money. He explained that all through the process, his department had been told that a change in the report was imminent and because of this, the Town had not made its contribution. Mr. Wallace stated that it was not until July 1st that the Town was aware that the Board was disputing the interpretation. He advised that the Town did not believe the Board interpreted the plan correctly and asked that the Town further explore this issue. Mr. Wallace added that the State was relied upon to determine what plan valuation was acceptable and indicated that he had been informed that the Town's interpretation was correct.

Mr. Wallace stated that the Town was ready to make the payment on the underfunding amount for fiscal year 1995. He said that when the valuation was corrected, the Town would offset future contributions into the Fire Pension Plan.

Al Tyler discussed the issue.

Mayor Venis announced that Joe Stursberg had resigned from the Budget Advisory Committee and the Fire Pension Board. He indicated that he would be making appointments to these committees at the next meeting.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:50 p.m.

APPROVED _____

Mayor/Councilmember

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Town Clerk